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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,351	06/23/2003	Yoshifumi Kato	5000-5107	1830
27123	7590	12/17/2004		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER PERRY, ANTHONY T	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/602,351

Applicant(s)

KATO, YOSHIFUMI

Examiner

Anthony T Perry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/23/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Double Patenting***

Applicant is advised that should claim 13 be found allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 6, 7, 11, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US 5,920,080).

Regarding claim 1, Jones teaches a color display in Fig. 3 that comprises a substrate (130) an organic electroluminescent display device including an organic electroluminescent layer (300), a passivation film (540), and a color filter (520) located on the passivation film (540).

Regarding claim 3, the organic electroluminescent display device includes an organic electroluminescent layer (300) between a first electrode (202) and a second transparent electrode

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(251) such that the first electrode (202) is located between the substrate (130) and the electroluminescent layer (300) (see Fig. 3).

Regarding claim 4, Jones teaches an active drive element (120) is located on the substrate (130) and is covered by the first electrode (202) (see Fig. 3).

Regarding claim 6, Jones teaches a white light emitting electroluminescent layer (col. 11, lines 10-12).

Regarding claim 7, Jones teaches a blue light emitting electroluminescent layer wherein the color filter has a color changing layer (col. 10, line 57 – col. 11, line 14).

Regarding claim 11, Jones teaches a color display in Fig. 3 that comprises a substrate (130) an organic electroluminescent display device including an organic electroluminescent layer (300), a passivation film (540), and a color filter (520) located on the passivation film (540). The organic electroluminescent display device includes an organic electroluminescent layer (300) between a first electrode (202) and a second transparent electrode (251) such that the first electrode (202) is located between the substrate (130) and the electroluminescent layer (300) and the second electrode (251) is located between the passivation film (540) and the electroluminescent layer (300) (see Fig. 3).

Regarding claim 15, Jones teaches a white light emitting electroluminescent layer (col. 11, lines 10-12).

Regarding claim 16, Jones teaches a blue light emitting electroluminescent layer wherein the color filter has a color changing layer (col. 10, line 57 – col. 11, line 14).

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Claims 1-4, 6, 11, 12, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Roitman et al. (US 6,552,488).

Regarding claim 1, Fig. 5 of the Roitman reference discloses a color display that comprises a substrate (313) an organic electroluminescent display device including an organic electroluminescent layer (135), a passivation film (120), and a color filter (115) located on the passivation film (120).

Regarding claim 2, teaches a mar-proof protective film (161) coating the color filter (115) (see Fig. 5).

Regarding claim 3, the organic electroluminescent display device includes an organic electroluminescent layer (135) between a first electrode (339) and a second transparent electrode (337) such that the first electrode (339) is located between the substrate (313) and the electroluminescent layer (135) (see Fig. 5).

Regarding claim 4, Roitman et al. teach an active drive element (351) located on the substrate (313) and covered by the first electrode (339) (see Fig. 5).

Regarding claim 6, teaches a white light emitting electroluminescent layer (col. 5, lines 7-11).

Regarding claim 11, Roitman et al. teach a color display in Fig. 5 that comprises a substrate (313) an organic electroluminescent display device including an organic electroluminescent layer (135), a passivation film (120), and a color filter (115) located on the passivation film (120). The organic electroluminescent display device includes an organic electroluminescent layer (135) between a first electrode (339) and a second transparent electrode

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(337) such that the first electrode (339) is located between the substrate (313) and the electroluminescent layer (135) and the second electrode (337) is located between the passivation film (120) and the electroluminescent layer (135) (see Fig. 5).

Regarding claim 12, teaches a mar-proof protective film (161) coating the color filter (115) (see Fig. 5).

Regarding claim 15, teaches a white light emitting electroluminescent layer (col. 5, lines 7-11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 5,920,080).

Regarding claims 5, 13, and 14, Jones does not specifically teach the active drive elements located in the same plane as the organic electroluminescent device. However, it has been held that rearranging of parts of an invention involves only routine skills in the art. *In re Japikse*, 86 USPQ 70. Thus, it would have been obvious to one having ordinary skills in the art the time the invention was made to have formed the active drive elements in the same plane as the organic electroluminescent device in order to decrease the thickness of the overall display, since rearrangement of parts of an invention is considered within the skills of the art.

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Claims 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roitman et al. (US 6,552,488).

Regarding claims 5, 13, and 14, Roitman does not specifically teach the active drive elements located in the same plane as the organic electroluminescent device. However, it has been held that rearranging of parts of an invention involves only routine skills in the art. *In re Japikse*, 86 USPQ 70. Thus, it would have been obvious to one having ordinary skills in the art the time the invention was made to have formed the active drive elements in the same plane as the organic electroluminescent device in order to decrease the thickness of the overall display, since rearrangement of parts of an invention is considered within the skills of the art.

Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 5,920,080) as applied to claims 1 and 11 above, and further in view of Taguchi et al. (US 5,099,172).

Regarding claims 8-9 and 17-18, Jones does not specifically teach the substrate having a light reflectance equal to or less than 10%. However, Fig. 8 of the Taguchi et al. reference discloses an EL device that includes a substrate comprising a glass substrate (1) with a black sheet (10) on its surface in order to increase the contrast of the display (col. 8, lines 6-7). Accordingly, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used a substrate with a blackened surface (substrate having less than 10% reflectance) in order to increase the contrast of the display.

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Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roitman et al. (US 6,552,488) as applied to claims 1 and 11 above, and further in view of Taguchi et al. (US 5,099,172).

Regarding claims 8-9 and 17-18, Roitman et al. do not specifically teach the substrate having a light reflectance equal to or less than 10%. However, Fig. 8 of the Taguchi et al. reference discloses an EL device that includes a substrate comprising a glass substrate (1) with a black sheet (10) on its surface in order to increase the contrast of the display (col. 8, lines 6-7). Accordingly, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used a substrate with a blackened surface (a substrate having less than 10% reflectance) in order to increase the contrast of the display.

Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 5,920,080) as applied to claims 1 and 11 above, and further in view of Osawa et al. (US 5,892,492).

Regarding claims 10 and 19, Jones does not specifically state that the color filter is made of organic materials. However, Osawa et al. teach that organic color filters show sharper changes in transmittance than inorganic material color filters (col. 6, lines 50-60). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use organic material color filters so as to ensure high color purity and contrast ratio of the primary colors.



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Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roitman et al. (US 6,552,488) as applied to claims 1 and 11 above, and further in view of Osawa et al. (US 5,892,492).

Regarding claims 10 and 19, Roitman does not specifically state that the color filter is made of organic materials. However, Osawa et al. teach that organic color filters show sharper changes in transmittance than inorganic material color filters (col. 6, lines 50-60). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use organic material color filters so as to ensure high color purity and contrast ratio of the primary colors.

#### ***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sun et al. (US 6,072,198) and Young (US 6,561,640) both teach blackening a surface of transparent substrates in order to improve the contrast of a display.

Nomura et al. (US 6,320,309) teaches that inorganic material color filters have a reduced tinting strength compared to organic material color filters.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is (571) 272-2459. The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-24597. **The fax phone number for this Group is (703) 872-9306.**

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Anthony.perry@uspto.gov].

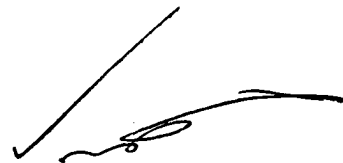
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*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anthony Perry  
Patent Examiner  
Art Unit 2879  
December 9, 2004



Vip Patel  
Primary Examiner  
Art Unit 2879